

1.12.15 Conservation Commission Minutes

Minutes of the Conservation Commission January 12, 2015

Present: Chair Steven Turner, Vice Chair Debra Botellio, Commissioners Marla Isaac, Neil Kelly, Luis Freitas, Renwick Chapman, and Ernest Enos.

Motion to approve the minutes of November and December 2014, DB, second MI, so voted.

Discussion with Cub Scouts regarding their work on the bridge at Boyden. The work has been completed and they have come back to show the TCC pictures of their project.

Certificate of Compliance

1. 221 Berkley Street, Passanisi, (COC), SE73-2561 Field report states that this filing was for a septic repair with associated grading. All work has been completed in significant compliance to the order of conditions issued on 10-20-13. All lawn areas are stable and there is no indication of erosion or sedimentation into the adjacent wetlands. MR recommends that the TCC close this file and issue a COC. Motion to approve, DB, second RC, so voted.

2. 155 Duffy Drive, Butterfield, (COC), SE73-2464 Field report states that this project was for the construction of an in-ground pool with concrete apron and patio. This work was not done in compliance of the order of conditions issued on 3-2-11, nor with the City of Taunton Zoning Ordinance! The pool is only five feet from the side rather than the allowed 10 foot side setback. In addition, the vinyl fence, concrete pad for the pool filter and concrete pad for propane are not on their property, but on property owned by Robert and Teresa Jacobs. Further violations include the expansion of the lawn behind the house. Not only was this area of the 25 foot WPZ stripped of natural vegetation, but the Applicant encroached on city owned property, as the new lawn goes right up to the wetland from flags WF3 to between WF5 and WF6 within city property and then the fire pit as well clearing between flags WF6 to the property line. Additionally, the fire pit with retaining wall was not approved and is entirely within the WPZ. The vinyl fence and patio were also not approved and no vegetative buffer zone was planted. This is a flagrant violation of the approved order of conditions under the Wetlands Protection Act and the City of Taunton Zoning Ordinances. A copy of this field report, original and as built plans, and letter have been sent to the Zoning Enforcement Officer. MR's recommendations are 1. Denial of the request for a COC, 2. Re-vegetating land owned by the city, 3. Removal of the fire pit, 4. Removal of the patio and vinyl fence to the original parameters of the plan along the rear of the property, 5. Removal of the concrete pads and vinyl fence to their own property, and 6. Proof of a ZBA variance for the location of the pool or the recommendations of the ZBA regarding the ordinance violation. In closing, MR also recommends ratification of the attached enforcement order listing the above recommendations. Present Mrs. Butterfield the homeowner. She stated they re-seeded what was destroyed, not knowing what they had done. They gave the plans to the contractors thinking they knew what needed to be done. The brick patio may be further out due to the clay because of the septic in the front. MR stated the plans were not followed. She expects people to abide by the WPA. Pool filter, fence, and propane pad are all on the neighbors property. The owner was surprised had no idea it was on the neighbors property. She has no problem replanting the vegetation. MR said no arborvitaes, they are not acceptable and won't survive there. She could do peppercorn or blueberry. They did try blueberry but that did not work. Put something appropriate, work with the engineer on that. John needs to work with the back property line, either let the city land grow back or plant. Work with MR on that. ST they didn't go into the wetland, contractor did not follow the plan, it definitely needs mediation out there but he won't request removal at this point. RC would not have approved this plan as done, he would recommend removal of the fire pit and vinyl fence. Mrs. Butterfield stated to remove the fence now would be a huge project. It has all grown in and over it. She is willing to deal with the fire pit. NK said if she gets along with the neighbors all that can be handled by easements. John said they assumed the fence was the property line. They will work on it. MI said remove the fire pit, she would be comfortable with that. DB agrees with that. RC could also live with that. Maybe it should be left alone while all zoning issues are taken care of. Motion to continue to April 13, 2015, John will notify if they are not ready at that point, DB, second EE, so voted.

3. Lot 121 Powhattan Village Condominiums, Bruce, LLC, (COC), SE73-2100 Field report states that this project was for the construction of three condominiums, 50 Buffalo Way, 94 Bear Paw Trail, and 99 Bear Paw Trail. All three condos have been built in significant compliance to the order of conditions issued on 9-26-05. All lawn areas are stable. MR recommends that the TCC issue a COC for this project. Motion to approve DB, second NK, so voted.

4. 13 Cape Road, Drory/Titanium Group, (COC), SE73-2372 Field report states that this project was for the installment of 2

underground storage tanks within the riparian zone of the Taunton River. Additional work in the riparian zone includes the installation of a gas pump island, 19 parking spots, 7 of which are 32 feet from the river along the edge of pavement in the rear of the property. In addition, a wooden guardrail was installed at the top of bank for safety reasons. All work has been completed in significant compliance to the order of conditions issued on 4-8-09. One issue that the owner should keep an eye on is the steep bank in the rear of the property. There is very little vegetation and it may require reinforcing within the next few years. MR recommends that the TCC issue a COC for this project. Motion to approve, DB, second MI, so voted.

Public Meeting

1. 1361 Middleboro Avenue, Dept. of Conservation & Rec, (RDA), DSE-1093 Field report states that this project is to replace and extend an existing foot and bike bridge on a trail within Massasoit State Park. The new bridge will be three feet wide and extend approximately 100 feet. The bridge will be built of pressure treated timber that will consist of the following: 1. 4" x 6" PT supports, 2. 2" x 8" treads, 3. Assorted galvanized hardware. Volunteers from New England Mountain Bike Association (NEMBA) will construct the bridge, led by John Bailey, Vice President of the Massasoit chapter. MR walked the trail with John and Mark Castle, Regional Coordinator, Div. of Parks, DCR. The bridge will protect the wetland and offer safe passage to walkers and bikers through this section of the trail. MR recommends that the TCC approve this project and issue a negative determination to include the attached special conditions. Motion to open, DB, second MI, so voted. Mark Castle and John Bailey present. They will manually remove all the old materials. The total length will be 100 feet, current is 75 to 80 feet. Motion to approve with conditions 1, and 2, RC, second DB, so voted. Motion to close, DB, second MI, so voted.

(NK out)

2. 17 Whitsborough Street, Mather, (RDA), DSE-1094 The field report states that this project is for the construction of a 25' x 40' ranch style single family home on a parcel directly behind the above address (ZBA approval on 4/15/14 Case #3221). The applicant meets with the planning board in February for a Form J waiver of frontage. The wetland line was approved under DSE-1087 on 9-9-14. A siltation barrier will be set up along the 25 foot WPZ and will be considered the limit of work. The grading of the site will be 26 feet from the wetland at its closest point while the house will be at least 39 feet from the wetland. The gravel driveway exists for 62 feet and will be extended an additional 85 feet to the proposed home and turnaround. The driveway will remain gravel and will be 7-10 feet from the wetland. During construction, a siltation barrier should be run along the side property line to protect the wetland from siltation from trucks and other construction traffic. There should be no stockpiling of materials without a protective barrier during the construction phase. If protective measures are followed, this project should not negatively impact the adjacent BVW. MR recommends that the TCC approve this project and issue a negative determination to include the attached special conditions. Richard Mather, land owner present. Neil Kelly present for the applicant said the driveway is already half there. The extension would be gravel and to hold in place lawn already there. No construction to be done. DB what about the big mound there? MR coming down, it's being graded for the house to be there. DB is concerned siltation will run down if the mound is graded. RC cellar or slab? Homeowner said could go either way, he's ok with whatever. RC with slab there will be no grading? NK can't so none but minimal grading. Motion to approve, plan put on file showing changes, and eliminate proposed 51, 52, and 53 contours with conditions 1, 2, 3, 4, 14, 17, 18, 20-additional siltation barrier should be along the driveway edge, 21- any stock pile should be surrounded by a siltation barrier, 22- remove proposed contours, 23- slab foundation, 24- access site through 12" wide utility easement on right of existing house, RC, second DB, so voted. Abutters: Jane Sylvia of Whitsborough Street. She wanted to know where the house is going. She wants the TCC to know the driveway out front is existing and the wetland line has been approved. She questioned the shed on the property, Mathers said it is on blocks and can be moved. She wanted to know how the material will be brought in and where the trucks will access? They will all go through the side of the house where the easement is and by truck.

Continued Public Hearing

1. 427 Winthrop Street, Feodoroff/Trustee of the Fenway Realty Trust, (NOI), SE73-2596 Motion to approve with conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 17, 19, 20, 21, 24, 25, 26, and 27, DB, second LF, so voted.

(NK back)

Public Hearings

1. Summer Street, (etc), Cornaglia/COT-DPW, (NOI), SE73-2602 Field report states that this project involves the rehabilitation of existing sewer and drain lines and structures in order to remove sanitary sewer drain cross connections. The areas in which wetland resource areas are involved are: between 67 Summer Street and the Spring Street pump station, off High Street, on Leonard Court, Brook Street Extension, and on Kilmer Avenue from Dewart Avenue to Oak Street. Resource areas were delineated by Wetland Strategies Inc, on 8-13 and 8-14 of 2014. Resources include BVW, Inland Bank, Riverfront Area, and BLSF. The delineations for each area are as follows:

-Summer Street (includes off Summer Street, off High Street, Spring Street, and Leonard Court): BVW, Inland Bank, Riverfront Area, BLSF. Mill River- TOB1-TOB27, TOB A1-TOB A12, TOB B1-TOB B4, TOB c1 - TOB c13, TOB E1 - TOB E5, TOB F1-TOB F8, and G1-G7 (BVW).

-Brook Street Extension: Inland Bank, Riverfront Area, BLSF. Cobb Brook- B1-B3, WFL1-WFL7, and TOB1-TOB6.

-Leonard Court: Riverfront Area, BLSF. Mill River- no flags, the riverfront area was determined by GIS and is accurate.

-Kilmer Avenue: Riverfront Area and BLSF. Cobb Brook-no flags, the riverfront area was determined by GIS and is accurate.

This project is considered limited project under 310 CMR 10.53 (3)(d)(f)(k). This includes construction, reconstruction, operation and maintenance of underground and overhead public utilities as long as the "best available measures" are used to "minimize adverse effects during construction, the surface vegetation and contours of the area are substantially restored and all sewer lines constructed to minimize inflow and leakage. " In addition, the work also involves the "maintenance and improvement of existing public roadways,

but limited to widening less than a single lane, adding shoulders, correcting substandard intersections and improving adequate drainage system." This also qualifies under "...routine maintenance and repair of road drainage structures including culverts and catch basins, drainage easements, ditches, watercourses, and artificial water conveyances to insure flow capacities which existed on the effective date of 310 CMR 10.51 through 10.60 (April 1, 1983)." This work will eliminate the sewer and drain cross

connections, remove sources of inflow and leakage, replace sanitary sewer and drain manholes, and repair existing broken drain and sanitary sewer pipes to restore the flow capacity of the pipes and structures. All disturbances will be graded to match existing contours and will be seeded with a residential seed mix. There will be no loss of flood storage volume within BLSF areas. Most of the buffer zone disturbance will be within previously disturbed areas including existing roadway corridors and lawns. 1,280 square feet will be temporarily disturbed and 4 square feet will be permanent disturbances as part of the work off High Street and Riverside

Avenue. There is proposed to be about 11 linear feet of temporary Inland Bank disturbance for the sanitary sewer manhole replacement off High Street and another 5 linear feet will be disturbed for the drain line replacement off Summer Street. All disturbed areas will be returned to their original natural condition. The work off Summer Street at the outfall will improve the stability of the

bank, as the existing drain pipe is blocked and collapsed due to a tree growing through the outlet. The replaced drain pipe will improve the bank stability. During work, straw wattles and a floating turbidity curtain will be installed to protect the resource area.

Overall there will be approximately 13,935 square feet of riverfront area that will be temporarily disturbed and about 88 square feet of permanent disturbance, which consist of replacement manholes and rip rap pad. Prior to work, straw wattles and turbidity curtains

will be installed to prevent sedimentation of resource areas. The work as presented is part of the DEP mandate to eliminate all sanitary sewer and drain cross connections. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Angela Saunders present for the city. RC asked what pipe bursting was? It is an

underground technique of fixing the pipe. The new pipe is pulled through while breaking up the old pipe. Some pipes will be replaced, some will be lined. It is cheaper to pipe burst vs. digging in to replace. RC will it be resurfaced? At least a permanent patch. Motion to approve with conditions 1, 2, 3, 4, 5, 6, 7, 19, 21, 25, 26, 27, and 28-LSP to report to MR-daily for verbal report, and weekly written, to keep the TCC in the loop if anything is found, RC, second NK, so voted. Abutter Juanita Gallagher from Winthrop Street was present. She is concerned about the contaminated property. She knows that Angela is very knowledgeable regarding the contaminants and an LSP on site and contractor aware. ST would like the daily report verbally and a written weekly report keeping TCC in the loop if anything is found. MR will email Angela a copy of the field report.

2. 60 Short Street, Castro, (ANRAD), SE73-2601 Field report states that this filing is for the approval of wetland delineations done on related to three properties, 60 Short Street (35-12) and two adjacent Short Street properties (35-13 and 14). The wetlands were flagged on 9-23-14 by South River Environmental. The "A" series is a small wetland to the north of the house and is noted using Flags A1-A20. Lot 35-13 has no wetlands associated with it but Lot 35-14 has two wetlands which also have intermittent streams (according to USDA mapping) running through them. The channels of the streams were well defined and water was flowing when MR inspected the flagging. At the far western part of Lot 35-13, a small wetland is flagged using flags 1 through 16 running north to south. A larger BVW (Series "B") runs south from the middle of the lot then to the east, following the stream. This system was delineated using flags B1 to B62. MR reviewed the delineation on 12-30-14 and agrees with the placement of the flags. MR recommends that the TCC approve the delineated wetlands as follows: Flags 1 through 15, A1 to A20, B3-B14, BB28-B53, with flags 16, B15-B27, and B54-B62 for reference purposes only. MR recommends that the order of resource area delineation be issued for this filing. Present Todd Castro son of landowner and Darren Grady for the owner. They are just here to confirm the wetland. Motion to approve the wetland line as presented, RC, second NK, so voted. Abutters: Jeff Kelly 145 Juniper Lane-he saw three lots on a plan, is that what is proposed? It is proposed but nothing is definite yet.

3. Short Street, DaSilva, (NOI), SE73-2603 Field report states that this filing is for the installation of septic systems, driveway and turnaround, and yard grading, in connection to the construction of two single family homes. The wetland resource areas were approved and an ORAD was issued on 8-11-08 under DEP filing SE73-2272. A siltation barrier is depicted on the plan and will be at least 25 feet from the wetland. It will also be the limit of work on this project. Grading will fall within 65 feet of the wetland and the closest house will be 106 feet away. The project as presented should not negatively impact the resource areas. The area is outside NHESP habitat, and does not fall within ACEC. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Paul Patnaude here for the owner. RC asked if driveway will be paved? No it will pervious road grading. RC is thinking crushed stone at the end to diffuse water running down at the end of the turnaround. Paul could do that. Motion to approve the plans-updated and brought to MR with conditions 1, 2, 3, 4, 5, 8, 9, 16, 17, 19, 21, 24, 25, 26,

27, and 28-grading at the end of the 20 foot driveway and 29-erosion control with rip rap, RC, DB, so voted.

Violations

- 1. Winthrop Street, St. Germain.** MR said Mr. St. Germain immediately responded when notified of a problem on his property. He put up hay bales and tried to remedy the situation. ST saw him out there cleaning up the mess by hand, the day before was a torrential rain storm. MR stated he was also very sick while out there trying to clean everything up. MR asked when the soil will be going? Mr. St. Germain is going to tell them it needs to be taken off property now. DB asked if it was all clean fill? Yes it is. No more will be brought in. He says it will be gone in about 4 months. RC says the contractor is responsible for removing it. MR said true but Matt has been selling it so.... ST work with Mr. St. Germain and give him the 4 months. Motion to continue to May 11, 2015, and Mr. St. Germain will work on removing and cleaning up the site, all must be gone by May 11, 2015, DB, second NK, so voted. Richard Fedoroff spoke up saying he is the one that called MR. Since Matt was notified he has cleaned up the issue.

Other Business

- 1. Election for Chair and Vice Chair.** Motion for ST to remain Chair, DB, second MI, so voted. Motion for NK to be Vice Chair, DB, second MI, so voted.
- 2. Accept Shores Street.** It was approved by city council. Motion to approve accepting the property, DB, second LF, so voted.
- 3. MACC Conference.** Motion to approve fee of \$345 for DB, RC, and MR, MI, second EE, so voted.
- 4. Electronic MACC Handbook.** Motion to approve 4 subscriptions for MK, ST, DB, and RC, for a fee of \$60, ST, second DB, so voted.

Motion to adjourn, DB, second RC, so voted.

Meeting ended at 9pm.